

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1169

Cities of Leesburg, Tavares, and Eustis, Lake County

SPONSOR(S): O'Toole

TIED BILLS:

IDEN./SIM. BILLS:

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Military & Local Affairs Policy Committee		Nelson	Hoagland
2)	Insurance, Business & Financial Affairs Policy Committee			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

This bill authorizes the Division of Alcoholic Beverages and Tobacco in the Department of Business and Professional Regulation to issue temporary alcoholic beverages permits to nonprofit organizations holding outdoor events in the downtown areas of Leesburg, Tavares and Eustis in Lake County.

An organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits currently authorized by law. The Division is required to adopt rules or before October 1, 2009, to administer the act.

The bill takes effect upon becoming law.

See, "Constitutional Issues," under the "Comments" section of this analysis.

Pursuant to House Rule 5.5(b), a local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills. The provisions of House Rule 5.5(b) appear to apply to this bill.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives:

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Chapters 561-568, F.S., comprise Florida's Beverage Law. The Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation is responsible for enforcement of these statutes.¹ Section 561.422, F.S., authorizes nonprofit civic organizations to apply for up to three temporary alcoholic beverage permits for a period not to exceed three days, subject to any other state, municipal, or county ordinance regulating the time for selling alcoholic beverages. The permit requires that the alcoholic beverages may only be consumed on the premises.

Upon the filing of an application, the nonprofit civic organization must present a local building or zoning permit, and pay a fee of \$25 per permit. All net profits from sales of alcoholic beverages collected during the permit period must be retained by the nonprofit civic organization. The permits are issued by the director of the Division, and nonprofit civic organizations are limited to three per calendar year.

Effect of Proposed Changes

HB 1169 authorizes the Division to issue temporary permits authorizing bona fide nonprofit organizations to sell alcoholic beverages for consumption on the premises at outdoor events on public right-of-way and parks in the downtown areas of Leesburg, Tavares and Eustis in Lake County.

A nonprofit civic organization may be issued up to 15 temporary permits per calendar year, valid for up to three days, in addition to the three temporary permits authorized by s. 561.422, F.S. The organization must provide a valid special event permit issued by the city, and comply with all other requirements of s. 561.422, F.S., in obtaining the temporary permits.

The bill requires the Division to adopt rules on or before October 1, 2009, to administer the act, and takes effect upon becoming law.

¹ Section 561.02, F.S.

B. SECTION DIRECTORY:

Section 1: Provides for the issuance of additional temporary alcoholic beverages permits.

Section 2: Provides an effective date.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN? January 22, 2009

WHERE? The *Daily Commercial*, a daily newspaper of general circulation published in Lake County, Florida.

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

According to the Economic Impact Statement, the bill will facilitate in planning and conducting additional special events to promote and revitalize downtown redevelopment districts. The sale of alcohol by non-profit organizations at these events will return funds directly into downtown revitalization efforts.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

Single Subject Rule

This local bill applies to three separate municipalities.

Section 6 of Art. 3 of the State Constitution provides, in relevant part:

Every law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.

An act that contains multiple subjects "designed to accomplish separate and dissociated objects of legislative effort," may violate the single subject rule. See, State ex rel. Landis v. Thompson, 163 So. 270, 283 (Fla. 1935.)

B. RULE-MAKING AUTHORITY:

The bill requires the Division of Alcoholic Beverages and Tobacco to adopt rules to administer this act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Other Comments

House Rule 5.5(b) states that a local bill that provides an exemption from general law may not be placed on the special Order Calendar in any section reserved for the expedited consideration of local bills. This bill appears to provide an exemption to s. 561.422, F.S.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES